

**Notice of Allowability**

Application No.

09/785,232

Examiner

Lawrence Shrader

Applicant(s)

HIRAI ET AL.

Art Unit

2124

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed on 6/30/2004.
2. ☒ The allowed claim(s) is/are 1 and 3-10.
3. ☒ The drawings filed on 20 February 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

1. This action is responsive to the Applicant's amendment filed on June 30, 2004.

***Allowable Subject Matter***

2. Claims 1, and 3 – 10 are allowed (renumbered 1 – 9).
3. Prior art taken either singly and/or in combination, does not teach or disclose the following features:

**In regard to independent claims 1 and 9:**

a version-up of a resource performed on a computer having a basic operating system region and a maintenance operating system region wherein an execution unit decides that an upgradeable resource has been accessed; and *stored resource information, to be applied by an update application program, is copied from the basic operating system region to the maintenance operating system region, then the boot information is modified so that the maintenance operating system is loaded on next boot-up; on next boot-up the maintenance operating system is expanded to the memory, and the existing resource is updated by applying the stored resource information of the update application program.*

**In regard to independent claim 10:**

storing an application update in a basic operating system region; and using a maintenance operating system region for controlling the update process; and using the basic operating system region for control after the update process is complete.

The closest prior art is Lerche, U.S. Patent 6,457,175, which discloses a decision unit to determine if an upgradeable application has been loaded or not and copies a stored RAM upgrade image for boot up, but does not teach a basic operating system region and a maintenance operating region wherein upon loading an upgradeable application copies stored upgrade resource information from the basic operating system region to the maintenance operating system region to be applied by an update application program; nor modifies the boot information so that the maintenance operating system is loaded on next boot-up by which the application is upgraded to a new version. Therefore, the claimed invention improves a firmware version-up processing by detecting a version-up requirement in another computer and automatically downloading and applying the version-up resource.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046. The examiner can normally be reached on M-F 08:00-16:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lawrence Shrader  
Examiner  
Art Unit 2124

October 14, 2004



ANIL KHATRI  
PRIMARY EXAMINE